

**ADDENDUM
TO THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT
REPORT FOR THE PARK VIEW TOWERS PROJECT
(SCH # 2006032042)**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to the Final Supplemental Environmental Impact Report for the Park View Towers Project (Park View Towers FSEIR) because minor changes made to the project, as described below, do not raise important new issues about the significant impacts on the environment.

H14-009 and HP14-002 – Park View Towers. The Park View Towers consists of the following: 1) A Site Development Permit to allow the construction of three buildings with up to 220 residential units, ground floor commercial use, and an associated two-level underground parking garage. The proposed buildings include a 19-story residential tower with ground floor commercial on the northern portion of the site (Tower 1), a 4 to 12 story residential tower with ground floor commercial on the western portion of the property (Tower 2), and a three-story townhouse building at the southeast of the project site with six townhouse units. 2) a Historic Preservation Permit for the permanent relocation, rehabilitation, exterior modifications and structural upgrades to the First Church of Christ Scientist and to allow construction within the St. James Historic District consistent with the associated Site Development Permit.

Location: Northeast corner of North First Street and St. James Street (APNs 467-01-118 and 467-01-008).

Council District: 3.

The environmental impacts of this project were addressed by the Park View Towers Final Supplemental Environmental Impact Report (Park View Towers FSEIR), adopted by the Director of Planning on June 4, 2008. The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that “A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred.” Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

The following impacts were reviewed and found to be adequately considered by the FSEIR:

<input type="checkbox"/> Traffic and Circulation	<input checked="" type="checkbox"/> Soils and Geology	<input type="checkbox"/> Noise
<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Hazardous Materials	<input type="checkbox"/> Land Use
<input type="checkbox"/> Urban Services	<input type="checkbox"/> Biotic Resources	<input type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Aesthetics	<input type="checkbox"/> Airport Considerations	<input type="checkbox"/> Microclimate
<input type="checkbox"/> Energy	<input type="checkbox"/> Relocation Issues	<input type="checkbox"/> Construction Period Impacts
<input type="checkbox"/> Water Quality	<input type="checkbox"/> Utilities	<input type="checkbox"/> Facilities and Services

ANALYSIS

The Park View Towers FSEIR supplemented the *Downtown Strategy 2000 FEIR* (Strategy 2000 FEIR) and the *Mixed-Use Project and Century Center Plan Amendment Final EIR* by providing additional analysis of cultural resources and aesthetic impacts related to the demolition of Letcher’s Garage,

construction of the towers, and rehabilitation of the First Church of Christ Scientist Building. The amount of residential and commercial development proposed for the site was included and analyzed in the Strategy 2000 FEIR at a program level. The Strategy 2000 FEIR was a broad range, program-level environmental document, which analyzed the following level of development in the Greater Downtown Core Area during the planning horizon of Strategy 2000:

- 8,000,000 to 10,000,000 square feet of office space;
- 8,000 to 10,000 residential dwelling units;
- 900,000 to 1,200,000 square feet of retail space; and
- 2,000 to 2,500 guest rooms of hotel space, in four to five hotel projects.

The type and intensity of development proposed is consistent with the intent of the Downtown Strategy 2000 and the findings of the Strategy 2000 FEIR.

This Addendum evaluates the project-specific environmental impacts that were not addressed in the previously certified Park View Towers FSEIR, including cultural resources impacts related to the relocation of the First Church of Christ Scientist building and the introduction of the townhouse buildings. The Addendum also discusses greenhouse gas emissions related to the expansion of the approved project. The project will not result in new significant impacts nor an increase in the severity of previously identified impacts to cultural resources because the changes to the tower design and relocation of the church do not significantly differ from the previously approved project and the design of the proposed townhouse building will substantially comply with the St. James Historic District Guidelines in terms of design, height, and massing.

The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the Park View Towers FSEIR. For these reasons, a supplemental or subsequent EIR is not required and an addendum to the Park View Towers FSEIR has been prepared for the proposed project.

This addendum will not be circulated for public review, but will be attached to the Park View Towers FSEIR pursuant to CEQA Guidelines §15164(c). The attached study (Attachment 1) provides background on the project description, specific project impacts, and the relationship between previous mitigation measures and the revised project.

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3/27/2015

Date

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Deputy

Attachment: 1) Draft Addendum Report and Historic Report, March 2015.

ADDENDUM TO THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE PARK VIEW TOWERS RESIDENTIAL PROJECT

March 2015

1.0 PURPOSE OF ADDENDUM

The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is completed and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations, or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the Lead Agency to evaluate these changes to determine whether or not they affect the conclusions in the environmental document.

On June 6, 2008, the Planning Director for the City of San Jose approved a Site Development Permit (File No. H05-029) for the Park View Towers Residential project and certified the Final Supplemental Environmental Impact Report (FSEIR) (SCH No. 2006032042). The FSEIR analyzed the development of a mixed use project that included construction of 208 dwelling units, 16,700 square feet of retail/commercial space, and renovation of a 6,000 square foot historic church building in the City of San Jose.

In 1992, the City of San Jose approved the *Downtown Strategy Plan*, which was a long-range program for the redevelopment and preservation of the central core of San Jose. The plan included development of office and retail space, hotel rooms, theater space, and residences. In 2005, the City of San Jose approved the *San Jose Downtown Strategy 2000* plan, which is an update of *Downtown Strategy Plan*. The *San Jose Downtown Strategy 2000* plan continues the City's long-range planning program for the redevelopment and preservation of the central core of San Jose. The plan included the following development:

- 8,00,000 to 10,000,000 square feet of office;
- 900,000 to 1,200,000 square feet of retail space;
- 8,000 to 10,000 residential units; and
- 2,000 to 2,500 hotel rooms.

In 2002, the City of San Jose approved the *Mixed Use Project and Century Center Plan Amendment*, which consisted of two interrelated components: (1) the Century Center Redevelopment Plan Amendment and (2) a mixed-use project comprised of five anchor parcels, related infill rehabilitation/reuse parcels, and replacement of over 1,000 surface parking spaces. The amendment effectively expanded the boundaries of the Century Center Plan north of the original plan area, incorporating the project site into the new plan area.

The 1.8 acre project site is within the City's Downtown Core Area, as defined by the City of San Jose General Plan. The site was a component of the 12-block, 54-acre area addressed in a combined program level and project level EIR (Century Center Plan Amendment and Mixed Use Project FEIR) that was certified by the City Council in 2002. The project site is also located within the much larger Downtown Core Area evaluated by the City in a program EIR (San Jose Downtown Strategy 2000 Plan) certified by the City Council in 2005.

The San Jose Downtown Strategy 2000 plan identified the project site as a potential development site for high-density residential, office, and ground-floor retail. The Mixed Use Project and Century Center Plan Amendment did not specifically identify the project site for development. The project site, however, is within the "added area" which would include revitalization of retail, commercial and office uses, rehabilitation and adaptive reuse of economically viable historic structures, and up to 700 new housing units.

Since certification of the FSEIR, changes to the project have been proposed, which are the subject of this Addendum. The purpose of this Addendum is to analyze the impacts which may result from the modified project (see Section 2.0, *Description of the Proposed Changes to the Project*).

The CEQA Guidelines Section 15162 states that when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the Lead Agency determined, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete of the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15164 states that the Lead Agency or a Responsible Agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in 15162 (see above) calling for preparation of a subsequent EIR have occurred.

2.0 DESCRIPTION OF THE PROPOSED CHANGES TO THE PROJECT

Section 2.1 describes the project as approved under Site Development Permit No. H05-029 and analyzed in the Park View Towers FSEIR. Section 2.2 describes the proposed changes to the previously approved project.

2.1 SUMMARY OF PREVIOUSLY APPROVED PROJECT

The previously approved project (Site Development Permit No. H05-029) included three specific components: 1) demolition of an existing commercial structure¹ and parking lot, 2) construction of up to 208 dwelling units and 16,700 square feet of commercial office/retail space in two towers and an underground parking structure, and 3) rehabilitation of the First Church of Christ Scientists building for neighborhood-serving commercial uses and reconstruction of an adjacent parking lot to serve the church building. The project was proposed to be implemented in two phases.

Phase I included rehabilitation of the exterior of the church building, demolition of the commercial structure, and construction of Tower One and part of the underground parking structure. Phase II included completion of the church building rehabilitation (interior), completion of the underground parking structure, and construction of Tower Two. Descriptions of these project components are provided below.

2.1.1 Demolition of Letcher's Garage and Attached Commercial Structure

The project proposed to demolish two joined commercial buildings (200 North First Street and 218-220 First Street) located at the northeast corner of St. James Street and North First Street and the large commercial parking lot on the northern half of the site.

The building at 200 North First Street, referred to as Letcher's Garage, was identified as a Contributing Structure to the St. James Park National Register Historic District and the City of San Jose's St. James Square Historic District. Due to its status as a contributing structure in a National Register District, it was determined to be eligible for the California Register of Historic Resources and was considered a local historic resource. The adjacent building at 218-220 North First Street was listed by the City as a Structure of Merit, but it was not considered a significant historic resource at the local, State, or Federal level. Both structures were demolished in 2013 after approval of the Site Development Permit in June 2008. The site of these structures is currently a vacant lot surrounded by construction fencing. The parking lot is still on-site and operates as a pay-for-parking lot.

¹ The commercial structure was comprised of two attached buildings, including Letcher's Garage which was identified as a Contributing Structure.

2.1.2 Construction of the Residential Towers and Parking Garage

The approved project proposed the construction of two residential towers as outlined below.

Tower One: Tower One would be on the Devine Street frontage with a maximum height of 198 feet (18 stories) and a total building footprint of 12,458 square feet. Tower One would have up to 136 condominium units and amenity space including a fitness room, community rooms, an outdoor courtyard, and a rooftop garden. As proposed, the ground floor would have 3,700 square feet of commercial space and three live/work units (totaling 3,000 square feet).

Tower Two would be located on the North First Street frontage with a maximum building height of 153 feet (12 stories). This tower would be stepped so that the building height is reduced as it nears St. James Street. The lowest building height would be 45 feet (three stories) along the St. James Street frontage to be consistent with the St. James Square Historic District Design Guidelines. The total building footprint would be 11,300 square feet. Tower Two was approved for up to 72 condominium units and amenity space including outdoor terraces on the third and tenth floors of the building. The ground floor would be occupied by approximately 10,000 square feet of commercial/retail space.

Combined, the two towers would have up to 208 dwelling units, 16,700 square feet of ground floor retail (including the three live/work units in Tower One). The two towers would share a 1,300 square foot, ground level lobby at the intersection of North First Street and Devine Street. A landscaped plaza would be located in front of the lobby entrance.

The towers would share three levels of underground parking for the residential units. The three levels of underground parking (with a total of 293 parking spaces) would span the entire project site, except the area directly beneath the First Church of Scientist building. No designated parking would be provided for the commercial space within the towers.

2.1.3 Rehabilitation of the First Church of Christ Scientist Building

The First Church of Christ Scientist building was identified as a Contributing Structure to the St. James Park National Register Historic District. As a result, the approved project proposed to retain the building in its original location and be rehabilitated per the Secretary of Interior Standards. The building was proposed to be reused as local serving commercial with parking provided on a 22-space surface lot adjacent to the east side of the building along North Second Street.

2.2 PROPOSED CHANGES TO THE APPROVED PROJECT

The current revised project proposes the following changes to the previously approved project: 1) an increase in the total number of residential units, 2) a reduction in the number of parking spaces, 3) relocation of the First Church of Christ Scientist Building, and 4) construction of six townhouses fronting St. James Street and North Second Street. These changes are described in detail below and shown on Figures 1 and 2.



FIGURE 1



① SOUTH - EAST ELEVATION
FROM THE MIDDLE OF THE PARK AT N. SECOND STREET N.T.S.



② NORTH - EAST ELEVATION
LOOKING AT THE CORNER OF DIVINE AND NORTH FIRST STREET N.T.S.



③ SOUTH - EAST ELEVATION
FROM THE MIDDLE OF THE PARK BETWEEN N. 1ST AND N. 2ND STREET N.T.S.



④ SOUTH - EAST ELEVATION
FROM THE CORNER OF ST. JAMES STREET AND N. SECOND STREET N.T.S.

TABLE 2.2-1 Summary of Proposed Changes to the Approved Project		
Project Component	Approved Project (H05-029)	Proposed Project (H14-009)
Residential Units – Tower One	136	150
Residential Units – Tower Two	72	64
Townhouses	Not Proposed	6
<i>Total</i>	<i>208</i>	<i>220</i>
Commercial/Office – Tower One (square feet)	3,700	2,556
Live/Work Units – Tower One (square feet)	3,000	No change
Commercial/Office – Tower Two (square feet)	10,000	9,366
Renovated Church Building	6,000	No Change
<i>Total</i>	<i>22,700</i>	<i>20,425</i>
Surface Parking Spaces (Retail)	22	0
Below Grade Parking Spaces (Residential)	293	270
Townhouses Parking (Private Garages)	Not Proposed	12
<i>Total</i>	<i>315</i>	<i>282</i>
Below Grade Parking Levels	3	2
Maximum Building Height – Tower One	198 feet	No Change
Maximum Building Height – Tower Two	153 feet	No Change
Church Building Location	Remain in Place	Move 23 ft West

2.2.1 Increase in Residential Units

Under the proposed revised project, the number of residential units in Tower One would increase from 136 to 150. The overall footprint, height, and massing of the building would not change. The new units would be accommodated by minor reductions in the square footage of the residential units. The number of residential units in Tower Two would decrease from 72 to 64. The project would also construct six three-story attached townhouses at the southeast corner of the project site, just east of the relocated church. Combined, the project would have a net increase of 12 units compared to the approved project (from 208 to 220 units). The project proposes to include loft units in addition to one, two, and three bedroom units.

2.2.2 Changes to Parking

The two towers would still share an underground parking garage. The project proposes to reduce the number of parking levels from three to two and to extend the parking levels under the church building. The total number of parking spaces in the underground parking structure would be reduced from 293 to 270. The proposed project does not include the previously approved 22-space surface parking lot.

The church building has a basement that would need to be removed to accommodate the new parking garage configuration. The townhouses would have private two-car garages attached to each unit.

2.2.3 Relocation of the First Church of Christ Scientist

In addition to removal of the church basement, the church will be relocated approximately 23 feet west, closer to Tower 2. Relocation of the church will require demolition of the existing front stairs and the reconstruction of the stairs once the church is permanently relocated. The stairs will be reconstructed with the same dimensions as the existing front stairs. The two existing pilasters that frame the church will also be relocated to maintain their relationship with the church and stairs.

The church building would be sited to keep the setback from St. James Street consistent with the current building location. Once moved, the church will be rehabilitated consistent with the requirements of the approved project. The church building would still be used as commercial space but would no longer have an adjacent surface parking lot.

The underground parking structure is now proposed to extend under the current location of the church building. As the church building is proposed to permanently located 23 feet west of its current location, it would have to be temporarily relocated while the garage was being constructed. This would require moving the building twice, once for construction of the garage and once to put it back in its new location.

All other components of the approved project, including building heights, on-site amenities, building locations, stormwater treatment, access, etc., would remain the same as the approved project.

3.0 ENVIRONMENTAL IMPACTS OF THE PROPOSED CHANGES TO THE PROJECT

The discussion below describes the environmental impacts of the modified project as it compares with the impacts of the approved project as addressed in the *Park View Towers FSEIR* (certified 2008). Also noted are any changes that have occurred in the environmental setting that would result in new impacts or impacts of greater severity than those identified in the previously certified FSEIR. This Addendum only addresses those resource areas that would be potentially affected by the proposed changes to the approved project.

3.1 CULTURAL RESOURCES

The following analysis is based on a supplemental historic evaluation prepared by *Carey & Company, Inc.* in March 2015. The report is included in this Addendum as Appendix A.

The changes to the project relevant to cultural resources are the removal of the church basement to accommodate the new underground parking configuration, relocation of the church building, revised architecture of Towers 1 and 2, and construction of six townhouses at the southeast corner of the project site. The following analysis addresses the potential cultural resources impacts that would result from removal of the church basement, relocation of the church, and the new residential buildings.

3.1.1 Findings of the Previously Certified FSEIR

The FSEIR analyzed the effects of the originally proposed and approved project on the historic and structural integrity of the First Church of Christ Scientist building including impacts related to the rehabilitation of the church, vibration impacts from construction of the underground parking garage, and impacts related to construction of the two residential towers. These findings are summarized below.

It should be noted that the FSEIR did not specifically tier off the *Century Center Plan Amendment and Mixed Use Project FEIR* or the *Downtown Strategy 2000 FEIR* with regard to the potential impacts to the First Church of Christ Scientist building because the Century Center project proposed to relocate the church building. The approved project analyzed in the FSEIR did not propose relocation of the building, but rehabilitation in its original location.

3.1.1.1 Impacts from Rehabilitation of the First Church of Christ Scientists Building

The FSEIR noted that while the interior space and its architectural features appear to be a significant part of the historical character of the building, the City of San Jose does not have discretionary authority over building interiors. Specifically, 1) interior modifications only require ministerial building permit approval (Municipal Code Section 13.48.250), 2) historical regulations only apply to exterior portions of structures, and 3) historic preservation regulations only apply to interior spaces if the structure cannot be preserved without preservation of the interior. Because CEQA only applies to discretionary actions, only the exterior alterations to the building were analyzed in the FSEIR.

The FSEIR concluded that the proposed rehabilitation of the First Church of Christ Scientist building would comply with the Secretary of Interior Standards for the Treatment of Historic Properties and the Rehabilitation Guidelines for Existing Structures in the *St. James Square Historic District Design Guidelines*. As a result, rehabilitation of the building would have a less than significant impact on the integrity of the building.

3.1.1.2 Impacts from Construction of Underground Parking

The originally approved project proposed retaining the church basement and constructing the underground parking structure around the church. The FSEIR stated that excavation adjacent to the church building could undermine the foundations of the building. In addition, construction of shoring and the garage itself would likely generate vibrations and require dewatering that could cause damage to the church building.

The FSEIR concluded that with implementation of the identified mitigation measures, construction of the underground parking garage would have a less than significant impact.

3.1.1.3 Impacts from Construction of the Residential Towers

As proposed in both the approved and currently proposed project design, Tower One would be adjacent to the church building (to the north) but outside the St. James Square Historic District.

Tower Two would be located immediately west of the church building, partially within the Historic District boundary.

The St. James Square Historic District Design Guidelines include a series of directions and design considerations for new construction in the Historic District. These guidelines can be considered an extension of the Secretary of Interior Standards. The New Building Guidelines range from those that are very specific to others that require more interpretation and discretion. The FSEIR concluded that the residential towers would not be in strict compliance with some of the New Building Guidelines for surface treatment. Specifically, the approved towers did not utilize strong cornice lines and did not have a greater ratio of walls to windows. The FSEIR found, however, that the design for Tower Two fundamentally complied with the Guidelines with regards to height, massing, and compatibility with adjacent historic structures, and determined that the deviations from the Guidelines with regard to the surface treatments would not result in a significant impact to the integrity of the St. James Historic District.

Tower One is outside the District and not subject to the Design Guidelines. While the guidelines address adjacent buildings, they do not stipulate that they apply to buildings outside the district itself. As a result, the FSEIR concluded that the degree of impact was by definition less important for buildings that are not located within the District and framing the park.

The conclusion of the analysis was that the residential towers would comply with the Design Guidelines and would not result in a significant impact on the historic integrity of the First Church of Christ Scientist building or the general character and historic integrity of the St. James Square Historic District.

3.1.2 Cultural Resources Impacts

The *Park View Towers FSEIR* concluded that construction of the residential towers would have a less than significant impact on the historic integrity of the church building and the St. James Square Historic District. The proposed project would not alter the location, massing, or surface treatments of the residential towers and, therefore, would have no impact on the historic integrity of the church building and the St. James Square Historic District as a result of the residential development. The following analysis will focus on the relocation of the church building, construction of a new townhouse building on the southeast corner of the site, and construction of the underground parking garage.

3.1.2.1 Historic Structures – Regulatory Framework

Below is an overview of criteria used to assess the historic significance and eligibility of a building, structure, object, site or district for listing in the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), and the City of San Jose Historic Resources Inventory.

National Criteria

The NRHP is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering and culture, at the local, State and National level. National Register Bulletin Number 15, *How to Apply the National Register Criteria for Evaluation*, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context," and second the property must retain integrity of those features necessary to convey its significance.

The National Register identifies four possible context types or criteria, at least one of which must be applicable at the National, State, or local level. As listed under Section 8, "Statement of Significance," of the National Register of Historic Places Registration Form, these are:

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B. Property is associated with the lives of persons significant in our past.
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D. Property has yielded, or is likely to yield, information important to prehistory or history.

State of California Criteria

The California Office of Historic Preservation's Technical Assistance Series #6, *California Register and National Register: a Comparison*, outlines the differences between the federal and state processes. The context types to be used when establishing the significance of a property for listing on the California Register of Historical Resources are very similar, with emphasis on local and State significance. They are:

- 1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or
- 2. It is associated with the lives of persons important to local, California, or national history; or
- 3. It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values; or
- 4. It has yielded, or is likely to yield, information important to prehistory or history of the local area, California, or the nation.

City of San José Criteria for Local Significance

In accordance with the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), a resource qualifies as a City Landmark if it has "special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature" and is one of the following resource types:

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site, or portion thereof; or
4. Any combination thereof.

The ordinance defines the term “historical, architectural, cultural, aesthetic, or engineering interest or value of an historic nature’ as deriving from, based on, or related to any of the following factors:

1. Identification or association with persons, eras or events that have contributed to local, regional, state or national history, heritage or culture in a distinctive, significant or important way;
2. Identification as, or association with, a distinctive, significant or important work or vestige:
 - a. Of an architectural style, design or method of construction;
 - b. Of a master architect, builder, artist or craftsman;
 - c. Of high artistic merit;
 - d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
 - e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
 - f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant of uniquely effective.
3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists (Section 13.48.020 A). The ordinance also provides a designation of a district: “a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development (Section 13.48.020 B). Although the definitions listed are the most important determinants in evaluating the historic value of San José resources, the City of San José also has a numerical tally system that must be used in identifying potential historic resources. The “Historic Evaluation Sheet” requires resources to be rated according to visual quality/design; history/association; environment/context; integrity; reversibility; interior quality and conditions; and NRHP/CRHR status. A points-based rating system is used to score each building according to the extent to which it meets the criteria listed above. The final tallies are divided into three categories:
 - Candidate City Landmark (CCL)
 - Structure of Merit (SM) and/or Contributing Structure (CS)
 - Non-Significant (NS)/Non-Contributing Structure (NCS)

According to the City of San José's *Guide to Historic Reports*, a City Landmark is "a significant historic resource having the potential for landmark designation as defined in the Historic Preservation Ordinance. Preservation of this resource is essential." The preservation of Structures of Merit "should be a high priority" but these structures are not considered significant resources for the purposes of CEQA.

3.1.2.2 Impacts to the Church Building

The First Church of Christ Scientist was added to the National Register of Historic Places on September 26, 1979 as a contributing building to the St. James Historic District in San Jose, California. Since the church is listed on the NRHP it is automatically included in the CRHR. Additionally, the St. James Square Historic District is a designated San Jose Historic District. The First Church of Christ Scientist is a contributing building to this historic district and is a designated City of San Jose Structure of Merit. Therefore, the church would be considered a historic resource for the purposes of CEQA and the proposed changes to the project have been analyzed based on applicable Federal, State, and local criteria as listed below.

Construction of the Underground Parking Structure

As proposed, construction of the underground parking structure would be phased. The initial phase would excavate and construct the portion of the parking garage along the eastern boundary of the project site. Once this phase is complete, the church building would be relocated to the southeast corner of the site. After relocation of the church building, the remaining portion of the parking structure will be constructed. Upon completion of the second phase of the parking structure, the church building will be permanently relocated approximately 23 feet west of its current location.

By phasing the project, excavation and construction would occur adjacent to, but not underneath, the church building. As a result, the revised project would have the same impact as the approved project. Consistent with the FSEIR, the revised project will be required to implement the avoidance measures for construction of the underground parking garage as a condition of project approval. **(Less Than Significant Impact)**

Relocation of the Church Building

As proposed, the church would be permanently relocated approximately 23 feet west of its current location. Along with relocation of the church building, the basement of the church would be removed to facilitate construction of the underground parking garage in that location (see Section 3.1.2.3 for a complete analysis of the basement removal).

Relocation of the First Church of Christ Scientist could result in an adverse effect to the historic resource by affecting its integrity based on its location and setting. Moving a resource could eliminate the relationship between the property and its surroundings and associations with historic events and persons. Furthermore, relocation could result in the damage or loss of historic features. The possible relocation of the church building was noted as a possibility in the *Downtown Strategy 2000 FEIR*. While general mitigation measures were identified, no specific analysis of the impacts of relocating the church building were addressed. The *Century Center Plan Amendment and Mixed*

Use *Project FEIR* also generally addressed relocation of the church building, but found it to be less than significant because it was assumed to be relocated within the block it is located, would be oriented toward the street, and would be rehabilitated in accordance with the Secretary of the Interior's Standards.

Impacts to Integrity

As proposed, the church building would be temporarily relocated to the southeast corner of the site to facilitate construction of the underground parking structure and then permanently relocated approximately 23 feet west of its current location. At this point, the building has lost much of its integrity of setting since the buildings around it have been demolished and it is now adjacent to a City owned parking lot. While several of the buildings within the St. James Historic District are still located around St. James Park, the church building's immediate setting has been compromised. The only aspect of the original setting still intact is the church building's relationship to St. James Street and St. James Park.

While not the preferred method of preserving a historic resource, relocation is recognized by the CRHR as a means to prevent demolition. The State Historical Resources Commission (SHRC) encourages the retention of historical resources on-site and discourages the non-historic grouping of historic buildings into parks or districts. A moved building, structure, or object that is otherwise eligible may be listed in the California Register if it was moved to prevent its demolition at its former location and if the new location is compatible with the original character and use of the historical resource (i.e., retain its historic features and compatibility in orientation, setting, and general environment).

The church building will be relocated on-site and will retain its historic relationship to St. James Street and St. James Park. Specifically, the church building will retain its current setback to St. James Street, the reconstructed porch (see discussion below) will be the same height above street level as the current porch, and the steps will be replaced with the same number of steps constructed to the same dimensions as the existing steps. Because the building will be relocated on-site and will maintain its spatial relationship to St. James Street and St. James Park, the only aspect of the original setting still intact, relocation of the building will have a less than significant impact on the historical significance of the structure. **(Less Than Significant Impact)**

Physical Impacts to the Church Building

Based on a memo report prepared by *Duquette Engineering* (June 2014), the underground parking structure will be built in two phases. Phase 1 would include excavation and shoring of the area around the church, and construction of a portion of the parking structure. Once Phase 1 is complete, the church building would be stabilized, the existing concrete porch landing and steps will be demolished around the existing column bases, and the building would be relocated to the southeast corner of the site. Upon completion of the move and removal of the church basement, Phase 2 of the parking structure will be completed. Once the Phase 2 parking structure is complete, the church will be relocated to its new permanent location approximately 23 feet west of its current location.

Protection of the church building for relocation would include internal shoring and bracing of the dome roof, internal shoring of the mezzanine, shoring of the porch roof and columns, and shoring below the main floor framing. The shoring assembly will be constructed on four main beams which will be located on four pairs of tracks. Pipe rollers will be used between the tracks and beams to move the structure. Relocation of the building is estimated to take two days each time the building is moved.

Internal shoring of the dome would be done by installing eight steel pipe columns that would extend from each corner of the octagonal framing system in the attic, through the ceiling and main floor, and onto the beams below the building. These columns will be laterally braced with tension cable bracing. The entry roof and columns will be shored separately by adding secondary beams to the existing columns. All shoring will remain in place until the new foundation, porch landing and steps are complete.

Even with the preliminary relocation plan from the structural engineer, moving the church building could damage its structural integrity and/or damage or destroy character defining features of the structure.

IMPACT CUL-1: Relocation of the church building could impair the structural integrity of the building and/or damage or destroy character defining features of the building.
(Significant Impact)

Mitigation and Avoidance Measures

As a condition of approval, the project will implement the following mitigation measures:

MM CUL 1-1: A historic preservation architect and a structural engineer shall undertake an existing conditions study of the church prior to the temporary relocation for construction of the underground parking structure and prior to the permanent relocation 23 feet west of the current church location. The purpose of the studies shall be to establish the baseline condition of the building prior to both relocations. The documentation shall take the form of written descriptions and visual illustrations, including those physical characteristics of the resource that convey its historic significance and must be protected and preserved, and recommendations for preservation. A report of the findings shall be reviewed and approved by the Director of Planning, Building and Code Enforcement prior to submittal of the permit applications for relocation of the building.

MM CUL 1-2: After submittal of the existing conditions study (pursuant to MM CUL 1-1) but prior to issuance of a permit to relocate the building, a structural engineer shall prepare a detailed shoring/relocation plan that includes measures to protect the structural integrity of the building during the move and shall include detailed calculations to justify the proposed sizes of shoring beams and columns as well as the phasing of the entire process.

The structural engineer will submit the report to the Director of Planning, Building and Code Enforcement for review and approval.

- MM CUL 1-3:** To protect the church building during both relocations, the project sponsor shall engage a building mover who has experience moving similar historic structures. The name and qualifications of the mover shall be provided to the Director of Planning, Building and Code Enforcement and the Chief Building Official for approval prior to issuance of the permits for each relocation of the building.
- MM CUL 1-4:** During preparation of the building for relocation, during relocation, and during the subsequent rehabilitation of the church structure, only authorized persons shall have access to the building until such time as rehabilitation of the structure is complete. Protective fencing and other methods shall be used to protect the building from further damage and deterioration during this process. If the historic preservation architect or structural engineer observe any new damage after relocation of the structure or during the rehabilitation process, an assessment shall be made of the severity of such damage and repairs undertaken if necessary. This assessment shall be provided within five business days after discovery of the damage to the Director of Planning, Building and Code Enforcement. Construction materials shall be stored a minimum of 100 feet away from the building.
- MM CUL 1-5:** A qualified historical architect shall establish a training program for construction workers involved in the project that emphasizes the importance of protecting historic resources. This program shall include information on recognizing historic fabric and materials, and directions on how to exercise care when working around and operating equipment near historic structures, including storage of materials away from the structures. The training program shall also include information on means to reduce vibration from construction and monitoring and reporting of any potential problems that could affect the historic resources in the area. A provision for establishing this training program shall be incorporated into the contract between the project construction firms and the project applicant. The contract provisions shall be reviewed and approved by the City of San Jose's Historic Preservation Officer, or equivalent, prior to issuance of any grading or building permits.
- MM CUL 1-6:** The plans for rehabilitation of the structure and the new foundation shall include a new front porch floor and steps which replicate the existing porch floor and steps. The project is required to include the same number of steps (seven) as is currently on the porch to allow the building to maintain the same relationship to the ground as it does currently. These details shall be included on the plans submitted for the building permit for the rehabilitation of the structure, and shall be approved by the Director of Planning, Building and Code Enforcement prior to issuance of building permits.

MM CUL 1-7: Once the building is permanently set on its new foundation, but prior to issuance of a building permit for rehabilitation of the structure, plans shall be submitted to the City that detail how the structure shall be repaired and rehabilitated in conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* as outlined in the FSEIR. In particular, the character-defining features shall be restored in a manner that preserves the integrity of the features. Upon completion of the rehabilitation, a historic preservation architect shall submit a findings report to the Director of Planning, Building and Code Enforcement and to the San Jose Historic Landmarks Commission that confirms that the rehabilitation of the structure was completed in conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. This report shall be reviewed and approved by the Director of Planning, Building and Code Enforcement and shall be submitted for review to the San Jose Historic Landmarks Commission prior to the final building permit inspection.

Demolition of the Church Basement and Relocation of the Church

The revised project proposes to temporarily move the existing church to the southeast corner of the project site at the intersection of St. James Street and Second Street to facilitate construction of the underground parking structure. After Phase 1 of the parking structure construction, the church would be temporarily relocated to the southeast corner of the site, the basement of the church would be demolished, and Phase 2 of the parking structure construction would be completed.

Architectural Significance of the Basement

The interior of the building is primarily comprised of the large assembly space with smaller support rooms off the main area and a basement. The interior spaces of a historic structure are generally identified as *very significant*, *significant*, *contributing* and *non-contributing*.

Very Significant: The space or components are central to the building's architectural and historic character. In addition, the space or components display a very high level of craftsmanship, or are constructed of an intrinsically valuable material, or are a unique feature. These spaces or components shall not be altered or removed under any condition.

Significant: The space or components are associated with the qualities that make the building historically significant. They make a major contribution to the structure's historic character. In addition, they display a high level of craftsmanship. These spaces or features shall not be altered or removed.

Contributing: The space or components may not be extraordinarily significance as isolated elements, but contain sufficient historic character to play a role in the overall significance of the structure.

Non-contributing: The space or components fall outside of the building's period of significance, or are historic but have been substantially modified. Little or no historic character remains.

The basement spaces are original to the church and housed important functions of the structure. While the basement lacks the ornamentation and detailing found in the assembly space above, alterations to the basement rooms are minimal and much of the historic fabric remains intact. Therefore, the basement of the church would be considered *contributing* to the building as a whole.

Historical Integrity of the Basement

The First Church of Christ Scientist is significant due to its architecture and its architect. The analysis of the historical integrity of the basement takes into account the following criteria.

Location. The church will be moved to the south of its current location and will remain on the same block. The spatial relationship between St. James Park, St. James Street and the church will remain the same. While the relocation of the building will impact the integrity of location, the building will remain on the same block and maintain its relationship with its surroundings. The removal of the basement will not impact this aspect of integrity.

Design. The original design of the church will be altered with the removal of the basement rooms and the loss of these rooms would impact the overall function of the building. Nevertheless, the portion of the church which is above ground, and which happens to be the most architecturally significant, will remain intact.

Materials/Workmanship. The church would retain these aspects of integrity, as the revised design, which includes removal of the basement, would not have an effect on the church's most significant materials or visible workmanship.

Setting. Setting is the physical environment of the property and the relationship between the building and its surroundings. Since the historic district is important for its buildings and the park, spatial relationships between major features, landscape plantings, the layout of walkways and roads are all part of the setting. The proposed project, including removal of the basement, would not materially alter the relationships between the existing contributing buildings and between the buildings and the park; existing landscaping would not be altered; and the layout of walkways and streets would remain in their current configuration.

Feeling and Association. Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. The removal of the basement will not compromise the historic sense of place associated with the church and will not affect the ability of the building to convey its link to the past.

Demolition of the Church Basement

The basement of the church will be demolished to allow the underground parking structure to span the entire project site. Based on the current plans, it is assumed that the church would set on a concrete slab which would be the roof of the upper level of the parking garage. The building's HVAC system is currently located in the basement. Once the basement is removed, a new HVAC system will be installed in the interior of the church building in the existing service room at the back.

The removal of the basement will have no discernable impact on the appearance of the exterior of the building. Several windows at the basement level will be lost with removal of the basement, as well as an exterior stairway. The windows and stairway are not ornamented or prominent and are barely visible from the exterior as they are below grade. Some of the contributing interior spaces would, however, be lost with the basement removed. While not highly significant or ornamental, the basement spaces are an integral part of the structure. In addition, there would be an impact on the interior main level of the structure due to the removal of the basement staircases. The church building is, however, a private structure and as such the historical significance of the building is based only on the exterior of the building. Furthermore, the interior modifications would not require discretionary approval and would not be considered a significant impact under CEQA.

While the basement will be removed and the main interior space of the main floor will be modified, these alterations would not impact the historical significance of the structure. Nevertheless, the project would be required as a condition of approval to complete a Historic American Buildings Survey (HABS) and the avoidance measures listed in the FSEIR, as described below.

HABS-Level I Documentation

Prior to the relocation of the church and removal of the First Church of Christ Scientist basement, the property will be recorded following the Level 1 specifications set by HABS. This documentation would include:

- Drawings: A full set of measured drawings depicting the building. Consideration may be given to using 3D laser scanning at an appropriate resolution to aid in the creation of the drawings.
- Photographs: Photographs with large-format negatives of exterior and interior views of the existing building. Photocopies with large-format negatives, or high resolution digital copies of historic photographs.
- Written data: A historical report in Outline Format.

A qualified architectural historian meeting the qualifications in the *Secretary of the Interior's Professional Qualification Standards* will oversee the preparation of the sketch plans, photographs and written data. The documentation shall be reviewed and approved by the planning official assigned historic preservation responsibilities in the Planning Division, City of San Jose. The documentation shall be filed with the San Jose Historical Museum, and the Northwest Information Center at Sonoma State University, the repository for the California Historical Resources Information System.

Avoidance of Impacts from Construction of Underground Parking Garage

In order to avoid possible significant impacts to the proximate historic structures on the site, the following avoidance measures identified in the FSEIR will be implemented to the satisfaction of the Director of Planning, Building, and Code Enforcement:

- One or more geotechnical investigations will be prepared by a California-licensed geotechnical engineer. The project contractors will follow the recommendations of the final geotechnical report(s) regarding any excavation and construction for the project. The construction contractor will conduct a pre-construction survey of existing conditions and monitor the adjacent buildings for damage during construction, if recommended by the geotechnical engineer.
- If dewatering is necessary during or after construction, the final soils report will address the potential settlement and subsidence impacts of this dewatering. Based on this discussion, the soils report will determine whether or not a lateral movement and settlement survey should be done to monitor any movement or settlement of surrounding buildings and adjacent streets. If a monitoring survey is recommended, such monitoring will follow City of San José procedures. Instruments will be used to monitor potential settlement and subsidence. If unacceptable movement occurs during construction, groundwater recharge would be used to halt this settlement. The project sponsor would delay construction if necessary. Costs for the survey and any necessary repairs to service lines under the street would be born by the project sponsor.
- If dewatering is necessary, the project contractor will follow the geotechnical engineers' recommendations regarding dewatering to avoid settlement of adjacent streets, utilities, and buildings that could potentially occur as a result of dewatering. The project contractor will follow the geotechnical engineers' recommendations regarding installation of settlement markers around the perimeter of shoring to monitor any ground movements outside of the shoring itself. Shoring systems would be modified as necessary in the event that substantial movements are detected.
- Groundwater pumped during and after construction to maintain the underground parking structure will be filtered and/or treated prior to discharge to the City's sanitary sewer, to the degree necessary to meet City of San José standards.

In addition to the HABS documentation and the avoidance measures for construction impacts related to excavation of the underground garage from the FSEIR, the project must also comply with the mitigation measures CUL 1-1 through CUL 1-7 described above. With implementation of all identified mitigation and avoidance measures, removal of the basement will have a less than significant impact on the historic integrity of the church building and the St. James Historic District. **(Less Than Significant Impact with Mitigation)**

3.1.2.4 Construction of a New Townhouses Adjacent to the Existing Church Site

The revised project proposes a three-story, six-unit townhouse building approximately 20 feet to the east of the relocated church. The townhouse building would have an overall height of 37 feet 7 inches. The building would have a simple cornice detail which aligns with the lower cornice of the church. Each townhouse would have a two-car attached garage accessed by the main driveway on North Second Street. No parking access would be provided from St. James Street.

Consistency with the St. James Historic District Design Guidelines

Consistency with the *St. James Square Historic District Design Guidelines* is listed as a mitigation measure in the *Downtown Strategy 2000 FEIR* for new development within the St. James Historic District.

Based on the *St. James Square Historic District Design Guidelines*, building heights along St. James Street should not deviate by more than one story from the heights of the immediately adjacent historic buildings and in no case should exceed 70 feet. The guidelines also state that the massing of new construction adjacent to historic buildings should be sensitive to, and harmonious with, the scale of the historic buildings.

Overall the height of the proposed townhouse building is sensitive to the relocated church. Based on the available plans, the townhouse building will be clad with cement plaster, brick, natural stone, and metal (for the awnings). The project's Architectural Historian determined that there is a lack of continuity between the materials used on the towers and the townhouses, as well as the architectural styles. The use of several materials on the townhouses and lack of continuity across the site does not allow for a cohesive feel among the three buildings proposed and detracts from the architecture of the church building.

The *St. James Square Historic District Design Guidelines* state that the setback of the new structure should match that of the surrounding historic structures, have pedestrian entrances that front directly onto the streets surrounding St. James Park, and the placement of the new structure should respect the view of the historic building from a pedestrian perspective. The proposed townhouse building aligns with the front of the church. In addition, the townhouse building entrances are oriented to St. James Street. Lastly, the townhouse structure is set an adequate distance (20 feet) away from the church.

The *St. James Square Historic District Design Guidelines* also have specific requirements for the general character and design of new construction within the historic district. The guidelines state that for new buildings, 1) there should be a greater proportion of wall than window, 2) individual windows should be rectangular in shape and oriented vertically and be recessed from the wall, and 3) openings should be delineated with surrounds and frames. Based on the preliminary building elevations, the townhouse building is in compliance with these design guidelines.

The guidelines also state that new buildings should be frontally symmetrical and that the design should utilize strong cornice lines. As proposed, the design of the building is consistent with these guidelines.

Overall, the townhouse building complies with the following guidelines:

1. The townhouse building is aligned with the adjacent church building.
2. The proposed façade design has a clear base.
3. The simple cornice aligns with that of the church.
4. The proposed design has a modest ratio of wall surface to window openings.
5. All windows are vertically oriented.
6. The historic buildings within the historic district are built on what is characterized as a platform. The townhouse building has a platform represented by a change in material at the base of the building.

Per the project Architectural Historian, the townhouse building design could be brought into further compliance with the Guidelines by incorporating the following design changes to the facade:

- Remove the metal awnings over the windows.
- Restrict the design to two main cladding materials. Variation in the design can be achieved through the use of different colors of the same material.
- Create a stronger visual link between the materials on the townhouse building and the materials on the towers.
- Create a stronger cornice that will more clearly define the top of the building, creating a demarcated top, middle, and base to the building.
- Make the cornice design consistent across the entire building.

The overall design of the townhouse building includes minor deviations from the historic district guidelines with regards to building materials discussed above. The massing, location are, however, consistent with the Guidelines and the City has determined that the design would not result in significant adverse impacts on the historic integrity of the First Church of Christ Scientist building or on the general character and historic integrity of the St. James Square Historic District. However, the project will be conditioned to implement the project Architectural Historian's recommendations with regard to materials used on the façade of the townhouse building. Therefore, the new townhome building is consistent with the findings of the certified Park View Towers FSEIR that the project will not result in a significant impact to the St. James Square Historic District.

The proposed townhouse building will have a less than significant impact on the historical significance of the church and the St. James Square historic district. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.1.2.5 Proposed Changes to the Previously Approved Tower Buildings and Site Layout

The northern portion of Tower Two and all of Tower One are outside the boundary of the St. James Historic District. However, the previously approved project included specific requirements for the design of Towers 1 and 2 to achieve consistency with the *St. James Square Historic District Design Guidelines* and visually consistent with the church building.



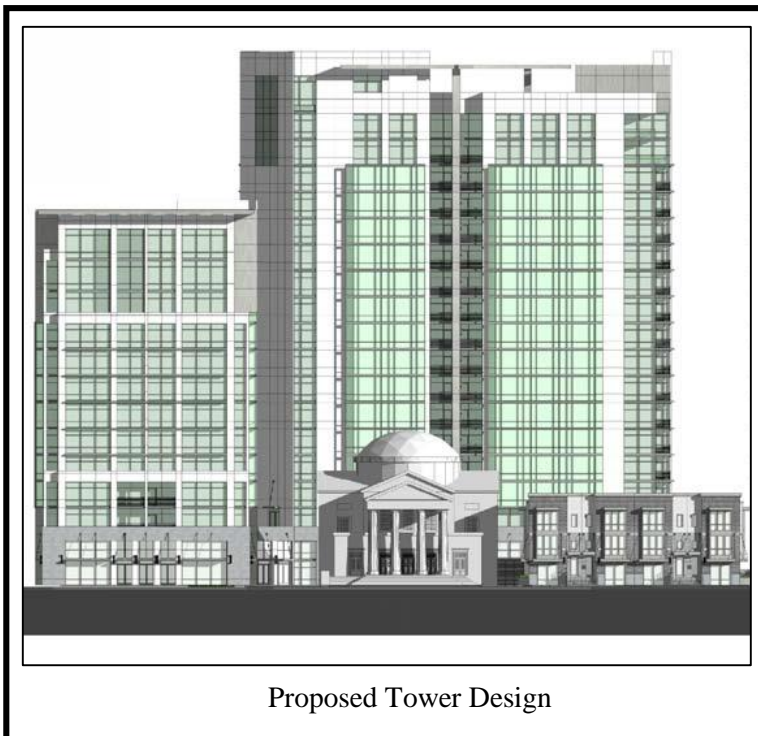
Tower One

As discussed in the FSEIR, because Tower One is located outside the boundaries of the historic district, Tower One is not subject to the *St. James Historic District Design Guidelines*. Nevertheless, the project's Architectural Historian evaluated the changes to the façade of Tower One compared with the approved project to provide additional information about how the new design will relate to the Guidelines.

Compared to the approved design, the new proposed design reduces the solid vertical features

and eliminates a vertical row of punched windows along the south elevation facing St. James Park. Tower One's south elevation has lost the more solid appearance of the previously approved design, further reducing the proportion of solid surfaces to windows. Furthermore, proposed design moves further away from compliance with the guidelines than the approved design regarding the

requirement to avoid blank monolithic facades because the south elevation does not incorporate as much articulation as the previously approved project.



There is no substantive change between the approved design and the proposed design in terms of the design of the windows and openings, the appearance of an identifiable top, middle, and base, or the screening of roof-top mechanical equipment. The colors of the cladding materials are consistent with the *St. James Square Historic District Design Guidelines*. As discussed in the FSEIR, because Tower One is located outside the historic district boundaries, adherence to the historic district

guidelines is not required to mitigate impacts under CEQA.

Tower Two

The project's Architectural Historian found the proposed design of Tower Two to be more in conformance with the *St. James Historic District Design Guidelines* than the previously approved design in several aspects. First, compared to the approved design, the proposed design has increased the solid appearance of the south elevation and the massing on the ground floor of the south elevation, bringing it into closer compliance to the *St. James Square Historic District Design Guidelines*. Second, the proposed design incorporates a stronger cornice design than the previously approved project. Third, although there has not been any substantive change to the roof-top penthouse for mechanical equipment, the proposed design includes a design feature that extends the trellis feature across the east face of the penthouse and improves the integration of the penthouse into the rest of the building. Fourth, the increased massing on the ground floor and the stronger cornice more clearly defines the top, middle, and base to the building in compliance with the guidelines. There are no substantive changes between the two designs relative to the design of the windows and openings.

The project's Architectural Historian found, however, that the proposed design of the east elevation is less compliant than the approved project because the solid vertical element and vertical row of punched windows at the northern end of the east elevation in the approved design has been removed and replaced with larger windows.

The project's Architectural Historian recommended the following design changes to bring Tower 2 into further compliance with the guidelines:

- The ground floor massing on the south elevation could be further improved by replicating the design used on the ground floor of the west elevation. On the west elevation, the broad vertical elements are the same material as the podium cornice elements with slender vertical elements of a different material.
- Return to the approved design on the east elevation which included a solid vertical element at the northern end of the east elevation and a vertical row of punched windows.

Overall, the changes to the design of Tower Two do not represent a significant departure from the previously approved design and, in several instances, bring the project into greater compliance with the guidelines. Consistent with the findings of the certified Park View Towers FSEIR, the design would not result in significant adverse impacts on the historic integrity of the First Church of Christ Scientist building or on the general character and historic integrity of the St. James Square Historic District. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.1.2.6 Project Site Layout

The proposed project also includes several changes in the site layout compared with the previously approved project. These changes include the above mentioned shift in the location of the First Church of Christ Scientist Building, the construction of the townhouse building on the southeast corner of the site in place of a surface parking lot, and the removal of a driveway fronting onto St. James Street. The removal of the surface parking lot on the southeast corner and the removal of the

driveway fronting on St. John Street will bring the site layout into further compliance with the *St. James Historic District Design Guidelines* than the previously approved project.

3.2 POPULATION AND HOUSING

The change to the project relevant to population and housing is the net increase of 12 residential units on the project site. The following analysis addresses the potential population and housing impacts that would result from an increase in residential units on-site.

3.2.1 Findings of the Previously Certified FSEIR

The FSEIR analyzed the effects of the originally proposed project relative to the planned growth under the *Downtown Strategy 2000*.

The *Park View Towers FSEIR* concluded that redevelopment of the project site with up to 208 residential units would comprise a small portion of the 10,000 dwelling units already planned for the downtown area and would not result in unplanned residential growth. Furthermore, the project would not displace people or necessitate the construction of housing elsewhere.

3.2.2 Population and Housing Impacts

As proposed, the project would increase the total number of residential units on-site from 208 to 220. Multiple housing projects have been approved in the downtown area since approval of the Park View Towers project in 2008. While additional housing units have been approved in the immediate project area, the number of residential units under the *Downtown Strategy 2000* is well below the 10,000 unit maximum allowed. Therefore, the addition of 12 units on the project site to the original 208 units would still be within the parameters of the *Downtown Strategy 2000*. **[Same Impact as Approved Project (No Impact)]**

3.3 PUBLIC SERVICES

The change to the project relevant to public services is the net increase of 12 residential units on the project site which could result in an increase in the local student population. The following analysis addresses the potential public services impacts that would result from an increase in school age children on-site.

3.3.1 Findings of the Previously Certified FSEIR

The FSEIR analyzed the effects of the originally proposed project relative to the planned growth under the *Downtown Strategy 2000*.

The *Park View Towers FSEIR* identified the following schools that would serve the project site:

- Horace Mann Elementary School, 55 North 7th Street,
- Herbert Hoover Middle School, 1635 Park Avenue, and
- Lincoln High School, 555 Dana Avenue.

According to the student generation rates for the San Jose Unified School District (SJUSD), multi-family residential development would generate 0.2 students (K-12) per dwelling unit. The *Park View Towers FSEIR* inaccurately calculated the number of new students generated by the project. The *Park View Towers FSEIR* estimated that the project would generate up to four new students. Based on 208 residential units and a student generation rate of 0.2, the project would generate up to 43 new students.

The *Park View Towers FSEIR* concluded that the project would have a less than significant impact on existing school facilities and would not require new facilities to be constructed to serve the project.

3.3.2 Public Services Impacts

Based on the most recent student generation rates for SJUSD, multi-family residential development generates approximately 0.203 K-12 students per unit.² Based on this rate, a net increase of 12 residential units could generate an additional two students beyond the 43 predicted from the 208-unit project description, for a total of 45. It should be noted that since certification of the *Park View Towers FSEIR*, the SJUSD now identifies Peter Burnett Middle School as the middle school that would serve the project site. The following analysis is, therefore, based on Burnett Middle School and not Hoover Middle School.

Build-out of the *Envision San Jose 2040 General Plan* would generate approximately 11,079 new students in the SJUSD. The *Downtown Strategy 2000* estimated a maximum of 5,000 new K-12 students. The General Plan identified the need for seven elementary schools, two middle schools, and two high schools to be constructed within the San Jose Unified district to meet the demand of the full build out of the General Plan. The SJUSD has closed and/or leased sites that may be able to aid in accommodating students generated by the proposed development. The capacity of the closed/leased schools is unknown and was not accounted for in the General Plan analysis. It should be noted that while the district overall is over capacity, individual schools that would serve the project site are not, as shown in Table 3.3-1 below.

² San José Unified School District. *Development Fee Justification Study*. April 2012. <http://www.sjUSD.org/pdf/districtinformation/Development_Fee_Justification_Study.pdf> Accessed February 18, 2014.

TABLE 3.3-1 School Capacity and Enrollment		
School	Current Capacity	Current Enrollment
Horace Mann Elementary School ³	750	614
Peter Burnett Middle School ⁴	961	883
Lincoln High School ⁵	1,914	1,786

The project is part of the planned growth in the City and will not increase students in the SJUSD beyond what was anticipated in the *Envision San Jose 2040 General Plan* and *Downtown Strategy 2000*. Because the original analysis underestimated the number of potential students from the project, this Addendum analyzes the 45 total students that would be generated by 220 residential units. The addition of 45 students between the three schools will not cause any of the schools to exceed their current capacity or require the construction of new facilities to support the students. Lastly, the project will be required to pay school impact fees pursuant to Government Code Section 65996.

While the project would increase the number of students attending local schools, the impact to local schools would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.4 RECREATION

The change to the project relevant to recreation is the net increase of 12 residential units beyond the residents to be housed in the 208 units initially proposed on the project site. The following analysis addresses the potential recreation impacts that would result from an increase in residents on-site.

3.4.1 Findings of the Previously Certified FSEIR

The FSEIR analyzed the effects of the originally proposed project relative to the planned growth under the *Downtown Strategy 2000*. The FSEIR concluded that the project would generate a need for 1.6 acres of parkland (based on an occupancy rate of 2.5 persons per dwelling unit). This amount was part of the 87.5 acres of parkland identified under the *Downtown Strategy 2000*. Consistent with the *Downtown Strategy 2000* and the City's Parkland Dedication Ordinance (PDO), the project proposed to pay in-lieu fees toward the parkland requirement. In addition, the project proposed on-site amenities that would help off-set the use of local parks, trails, and recreation/community centers.

³ Capacity and enrollment data for Horace Mann Elementary School was derived from the Horace Mann Elementary School Accountability Report Card. <http://www.sarconline.org/SarcPdfs/Temp/43696666048599.pdf> Accessed February 18, 2014.

⁴ Capacity data for Peter Burnett Middle School was provided by the school district via personal communication with Robert Gonzales, Director of Student Assignment (October 21, 2013). Enrollment data was derived from the Burnett Middle School Accountability Report Card. <http://www.sarconline.org/SarcPdfs/Temp/43696666062103.pdf> Accessed February 18, 2014

⁵ Capacity data for Lincoln High School was provided by the school district via personal communication with Robert Gonzales, Director of Student Assignment (October 21, 2013). Enrollment data was derived from the Lincoln High School Accountability Report Card. <http://www.sarconline.org/SarcPdfs/Temp/43696664333795.pdf> Accessed February 18, 2014.

As a result, the project would have a less than significant impact on recreational resources in San Jose.

3.4.2 Recreation Impacts

Consistent with the approved project, the proposed project with an increase from 208 to 220 units will be required to pay in-lieu fees to account for the increased need of parkland within the City. The fees imposed on the approved project would be increased commensurate with the number of new residential units proposed. The project would continue to offer on-site amenities that would help offset the use of local parks, trails, and recreation/community centers. As a result, the project would have a less than significant impact on recreational resources in San Jose. **([Same Impact as Approved Project (Less Than Significant Impact)])**

3.5 UTILITIES AND SERVICES SYSTEMS

The change to the project relevant to utilities and service systems is the net increase of 12 residential units (beyond the 208 units approved in the original permit) on the project site. The following analysis addresses the potential utilities/service system impacts that would result from an increase in residential units on-site.

3.5.1 Findings of the Previously Certified FSEIR

The FSEIR analyzed the effects of the originally proposed project relative to the planned growth under the *Downtown Strategy 2000*. The FSEIR concluded that the project was within the parameters of the planned growth identified in the *Downtown Strategy 2000* and with implementation of identified

Green Building and water conservation measures, the project would have a less than significant impact on the City's utilities and service systems.

3.5.2 Utilities and Service Systems Impacts

3.5.2.1 Water Supply

Even with the addition of 12 residential units (beyond the 208 units in the approved project), the project is within the parameters of the overall development proposed in the *Downtown Strategy 2000* which previously addressed water usage for all planned development in the downtown core. In addition, the development proposed under the *Downtown Strategy 2000* was included in the planned future growth of the City in the *Envision San Jose 2040 General Plan* and the *2010 Urban Water Management Plan* and was analyzed in the *San Jose 2040 General Plan FSEIR*.

The *San Jose 2040 General Plan FSEIR* determined that the three water suppliers for the City could serve planned growth under the General Plan until 2025. Water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. The General Plan has specific policies to reduce potable water consumption including expansion of the recycled water system and implementation of water conservation measures. The *San Jose 2040 General Plan*

FSEIR concluded that with implementation of existing regulations and adopted General Plan policies, full build out under the General Plan would not exceed the available water supply.

The proposed project is consistent with planned growth in the General Plan and the *Downtown Strategy 2000* and will comply with the policies and regulations identified in the *San Jose 2040 General Plan FSEIR*, including the water conservation measures identified in the *Park View Towers FSEIR*. Therefore, the proposed increase in residential units, for a total of 220 units, would have a less than significant impact on the City's water supply. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.5.2.2 Sanitary Sewer Capacity

Even with the addition of 12 residential units (beyond the 208 units initially proposed), the project is within the parameters of the overall development proposed in the *Downtown Strategy 2000* which previously addressed sanitary sewer capacity for all planned development in the downtown core.

The City currently has approximately 38.8 mgd of excess treatment capacity at the water pollution control plant. Based on a sanitary sewer hydraulic analysis prepared for the *San Jose 2040 General Plan FSEIR*, full build out under the General Plan would increase average dry weather flows by approximately 30.8 mgd. As a result, development allowed under the General Plan, including development under the *Downtown Strategy 2000*, would not exceed the City's allocated capacity at the water pollution control plant. The proposed project would have a less than significant sanitary sewer capacity impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.5.2.3 Storm Drainage System

The proposed site plan has not changed in terms of the total amount of impervious surface area or the proposed stormwater treatment methods. The addition of six residential units within the previously approved building footprint (initially proposed for 208 units) and construction of six townhouses in place of the previously proposed parking lot would have no impact on the volume of stormwater exiting the site and the standard project conditions for stormwater management during construction and operation of the project will apply, consistent with the *FSEIR*. The removal of the church basement would have no impact on the proposed on-site stormwater treatment facilities. **[Same Impact as Approved Project (No Impact)]**

3.5.2.3 Solid Waste

Even with the addition of 12 residential units (beyond the 208 units in the approved project), the project is within the parameters of the overall development proposed in the *Downtown Strategy 2000* which previously addressed solid waste generation for all planned development in the downtown core.

The *San Jose 2040 General Plan FSEIR* concluded that the increase in waste generated by full build out under the General Plan would not cause the City to exceed the capacity of existing landfills that serve the City. Future increases in solid waste generation from development allowed under the General Plan would be avoided with ongoing implementation of the City's Zero Waste Strategic

Plan. This plan, in combination with existing regulations and programs, would ensure that full build out of the General Plan would not result in significant impacts from the provision of landfill capacity to accommodate the City's increased service population.

The proposed project is consistent with the development assumptions in the General Plan, including development under the *Downtown Strategy 2000*. Therefore, the proposed increase in residential units would have a less than significant impact on the solid waste disposal capacity. **[Same Impact as Approved Project (Less Than Significant Impact)]**

3.6 GREENHOUSE GAS EMISSIONS

3.6.1 Findings of the Previously Certified FSEIR

The FSEIR did not analyze greenhouse gas (GHG) emissions as it was not required by CEQA at the time the document was prepared. Greenhouse gas emissions were also not addressed in the *Downtown Strategy 2000 FEIR* or the *Century Center Plan Amendment and Mixed Use Project FEIR 2000*.

3.6.2 Greenhouse Gas Emissions Impacts

The proposed project would result in a small net increase in traffic trips and an increase in energy usage compared to the approved project because of the addition of six units within the towers and six townhouses on-site (a total of 12 additional units). While this would result in an overall increase in GHG emissions, an increase of 12 residential units is well below the screening thresholds for GHG emissions established by the Bay Area Air Quality Management District. Furthermore, the project provides for new housing and retail in the downtown core within walking distance of jobs, other residences and retail, and various modes of transit. Lastly, development of the project will be subject to the City's Green Building Ordinance. The project also proposes the following energy conservation measures/design features that will further reduce GHG emissions:

- Bicycle storage
- Cool roofs
- Water efficient landscaping
- Low-flow plumbing fixtures

As proposed, the project would meet Cal Green requirements and minimum LEED Certification requirements.

Through incorporation of energy conservation measures/design features to reduce GHG emissions, the proposed project would have a less than significant GHG emissions impact. **(Less Than Significant Impact)**

4.0 CONCLUSION

Based on the above analysis and discussion, no substantive revisions are needed to the 2008 FSEIR, because no new significant impacts or impacts of substantially greater severity would result from the modified project; because there have been no changes in circumstance in the project area that would result in new significant environmental impacts or substantially more severe impacts; and because no

new information has come to light that would indicate the potential for new significant impacts or substantially more severe impacts than were discussed in the 2008 FSEIR. Therefore, no further evaluation is required, and no Subsequent EIR is needed pursuant to State CEQA Guidelines Section 15162, and an EIR Addendum has therefore appropriately been prepared, pursuant to Section 15164.

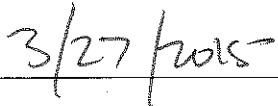
Pursuant to CEQA Guidelines Section 15164(c), this Addendum need not be circulated for public review, but will be included in the public record file for the *Park View Towers FSEIR*.

BY:

Harry Freitas
Director of Planning, Building and Code Enforcement



Signature



Date

Appendix A



March 24, 2015

Park View Towers
San Jose, California

SUPPLEMENTAL EVALUATION REPORT

INTRODUCTION

Carey & Co. previously evaluated a project to construct new residential towers adjacent to the First Church of Christ Scientist, a historic resource. Since that time, the project has been revised several times and now proposes the removal of the church basement and relocation of the church, construction of a new building in its place, an underground parking garage and design changes to the exterior of Towers 1 and 2. Since the initial evaluation did not address the potential impact of removing the basement and relocating the entire building, a supplemental evaluation is required. This Supplemental Evaluation Report also addresses the changes to the towers. All other impacts and mitigations related to the development of the site are discussed in the *Park View Towers Historic Resource Evaluation* completed by Carey & Co. in 2006.

METHODOLOGY

Carey & Co. conducted a site visit on November 21, 2013 to evaluate the existing condition, historic features, and architectural significance of the basement. Also assessed during the site visit was the overall integrity of the church.

This report includes:

- Project Description
- Basement Description
- Regulatory Framework
- Existing Historic Status
- Architectural Significance of Spaces
- Integrity Assessment
- Impacts
- Mitigations
- Tower 1 and Tower 2 Review

PROJECT DESCRIPTION

The current revised project proposes the following changes to the previously approved project:

1. An increase in the total number of residential units.

2. A reduction in the number of parking spaces.
3. Relocation of the First Church of Christ Scientist Building.
4. Construction of six townhouses fronting St. James Street and North Second Street. These changes are described in detail below.

Summary of Proposed Changes to the Approved Project		
Project Component	Approved Project (H05-029)	Proposed Project (H14-009)
Residential Units – Tower 1	136	150
Residential Units – Tower 2	72	64
Townhouses	Not Proposed	6
<i>Total</i>	208	220
Commercial/Office – Tower 1 (square feet)	3,700	2,556
Live/Work Units – Tower 1 (square feet)	3,000	No change
Commercial/Office – Tower 2 (square feet)	10,000	8,869
Renovated Church Building	6,000	No Change
<i>Total</i>	22,700	20,425
Surface Parking Spaces (Retail)	22	0
Below Grade Parking Spaces (Residential)	293	260
<i>Total</i>	315	260
Below Grade Parking Levels	3	2
Maximum Building Height – Tower 1	198 feet	No Change
Maximum Building Height – Tower 2	153 feet	No Change
Church Building Location	Remain in Place	Move 20 ft West

Under the proposed revised project, the number of residential units in Tower One would increase from 136 to 150. The overall footprint and massing of the building would not change. The new units would be accommodated by minor reductions in the square footage of the residential units. The number of residential units in Tower Two would decrease from 72 to 64. The project would also construct six three-story attached townhouses at the southeast corner of the project site, just east of the church. Combined, the project would have a net increase of 12 units compared to the approved project (from 208 to 220 units). The project proposes to include loft units in addition to one, two, and three bedroom units.

The two towers would still share an underground parking garage. The project proposes to reduce the number of parking levels from three to two and to extend the parking levels under the church building. The total number of parking spaces would be reduced from 293 to 260. The church building has a basement that would need to be removed to accommodate the new parking garage configuration.

The townhouses would have individual two-car garages attached to each unit.

In addition to removal of the church basement, the church will be relocated approximately 23 feet west, slightly closer to Tower 2. The church building would be sited to keep the setback from St. James Street consistent with the current building location. Once moved, the church

will be rehabilitated consistent with the requirements of the approved project. The church building would still be used as commercial space but would no longer have an adjacent surface parking lot. (See Figures 1 and 2)

The underground parking structure is now proposed to go under the church building. As the church building is proposed to permanently remain within 20 feet of its current location, it would have to be temporarily relocated while the garage was being constructed. This would require moving the building twice, once for construction of the garage and once to put it back in its new location.

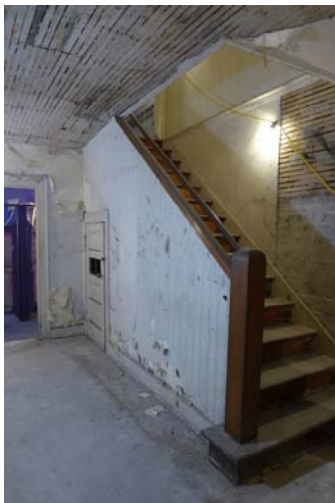
All other components of the approved project, including building heights, on-site amenities, building locations, stormwater treatment, access, etc., would remain the same as the approved project.

BASEMENT DESCRIPTION

The basement of the church is divided into two distinct sections – one grouping of rooms in the southeast corner and another grouping of rooms along the western wall.

Southeast Corner

The portion of the basement in the southeast corner of the building is comprised of two rooms. This basement area is entered through the interior of the building by a staircase off a main vestibule at the ground level. The wood stairs lead to a large basement room with plaster walls and ceiling, beadboard paneling at the staircase, concrete floors, wood baseboards, a wood paneled door and detailed wood trim around openings. A smaller room to the north functioned as a restroom and has the same finishes. The concrete slab floor is stepped down several inches in this room and beadboard paneling covers some wall surfaces. At the north end of the room are wood stall dividers. Mounted on the southern wall of this small room is a cast iron sink. Much of the plaster in these two rooms is missing, exposing the wood lath or the approximately 5 foot high concrete foundation wall. In some areas the lath has been removed exposing the wood framing of the floor above. Several windows have been boarded up along the eastern wall.



Figures 1 and 2. Beadboard siding at staircase (left) and exposed lath (right).



Figures 3-5. Wood baseboard (left), wood stalls and beadboard clad walls (middle) and cast iron sink (right).

Western Wall

Two interior stairways access the larger portion of the basement which consists of five rooms along the western wall. One interior staircase leads from the auditorium space above to the largest room in this area of the basement. This room houses a large mechanical element, a fan. Other mechanical systems are installed in the most northern room beyond the fan. A narrow room off the east side of the large room has a sizable duct running along the south wall near the ceiling and a soffit at the east wall. A small room with a cast iron sink is off the large room to the south. From this area another room to the south has a staircase which is accessed from the entry vestibule on the main level. This space, along with the small room to the north, mirrors the plan of the two rooms in the southeastern portion of the basement. It is likely these two rooms functioned as a waiting/restroom area like those on the other side of the building. The concrete slab is several inches higher in the most southern room than in the rest of the space. The finishes in all five rooms are identical to those of the rooms on the other side of the basement. In many of the spaces much of the lath and plaster has been removed from the ceilings and walls exposing wood framing and the concrete foundation. Another staircase leads to the exterior.



Figures 6-8. Southern staircase (left), looking north from southern room (middle), and cast iron sink (right).



Figures 9 and 10. Door to northern staircase and fan (left) and room with soffit (right).

REGULATORY FRAMEWORK

National Register of Historic Places (NRHP)

The National Register of Historic Places is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering and culture, at the local, state and national level. National Register Bulletin Number 15, *How to Apply the National Register Criteria for Evaluation*, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context", and second the property must retain integrity of those features necessary to convey its significance.¹

The National Register identifies four possible context types or criteria, at least one of which must be applicable at the national, state, or local level. As listed under Section 8, "Statement of Significance," of the National Register of Historic Places Registration Form, these are:

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B. Property is associated with the lives of persons significant in our past.
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D. Property has yielded, or is likely to yield, information important to prehistory or history.²

¹ *How to Apply the National Register Criteria for Evaluation*, National Register Bulletin, no. 15 (Washington, D.C.: United States Department of the Interior, 1997): 3.

² *How to Complete the National Register Registration Form*, National Register Bulletin, no. 16A (Washington, D.C.: United States Department of the Interior, 1997): 75.

California Register of Historical Resources (CRHR)

The California Register of Historical Resources is the authoritative inventory of significant architectural and archeological resources. The context types to be used when establishing the significance of a property for listing on the California Register of Historical Resources are very similar to those used by the National Register of Historic Places, with emphasis on local and state significance. The four criteria are:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or
2. It is associated with the lives of persons important to local, California, or national history; or
3. It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values; or
4. It has yielded, or is likely to yield, information important to prehistory or history of the local area, California, or the nation.³

In addition to separate evaluations for CRHR eligibility, the state automatically lists on the CRHR resources that are listed or determined eligible for the NRHP through a complete evaluation process.

Integrity

Second, for a property to qualify under the NRHP's or the CRHR's Criteria for Evaluation, it must also retain "historic integrity of those features necessary to convey its significance."⁴ While a property's significance relates to its role within a specific historic context, its integrity refers to "a property's physical features and how they relate to its significance."⁵ To determine if a property retains the physical characteristics corresponding to its historic context, the NRHP has identified seven aspects of integrity, which the CRHR closely follows:⁶

Location is the place where the historic property was constructed or the place where the historic event occurred.

Design is the combination of elements that create the form, plan, space, structure, and style of a property.

Setting is the physical environment of a historic property.

³ *California Register and National Register: A Comparison*, California Office of Historic Preservation Technical Assistance Series, no. 6 (Sacramento, CA: California Department of Parks and Recreation, 2001), 1.

⁴ United States Department of the Interior, *How to Apply the National Register Criteria for Evaluation*, National Register Bulletin, No. 15, (Washington, D.C., 1997): 3.

⁵ United States, *How to Apply the National Register Criteria for Evaluation*: 44.

⁶ United States, *How to Apply the National Register Criteria for Evaluation*: 1.

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time.

Association is the direct link between an important historic event or person and a historic property.⁷

Since integrity is based on a property's significance within a specific historic context, an evaluation of a property's integrity can only occur after historic significance has been established.

City of San Jose

According to the City of San Jose's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), a resource qualifies as a City Landmark if it has "special historical, architectural, cultural, aesthetic or engineering interest or value of an historical nature" and is one of the following resource types:

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site, or portion thereof; or
4. Any combination thereof. (Sec. 13.48.020.C)

The ordinance defines the term "historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature" as deriving from, based on, or related to any of the following factors:

1. Identification or association with persons, eras or events that have contributed to local, regional, state or national history, heritage or culture in a distinctive, significant or important way;
2. Identification as, or association with, a distinctive, significant or important work or vestige:
 - a. Of an architectural style, design or method of construction;
 - b. Of a master architect, builder, artist or craftsman;
 - c. Of high artistic merit;
 - d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
 - e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
 - f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant or uniquely effective.

⁷ United States, *How to Apply the National Register Criteria for Evaluation*: 44-45.

3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists. (Sec. 13.48.020.A)

The ordinance also provides a definition of a district: “a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development.” (Sec. 13.48.020.B)

Although the definitions listed are the most important determinants in evaluating the historic value of San Jose resources, the City of San Jose also has a numerical tally system that is used in identifying potential historic resources. The “Historic Evaluation Sheet” requires resources to be rated according to the following criteria:

- Visual quality/design
- History/association
- Environment/context
- Integrity
- Reversibility
- Interior quality and conditions
- NRHP/CRHR status

A rating system with “points” is assigned by the evaluator according to the extent to which each building meets the criteria listed above. The following is a list of the net point scores:

- Candidate City Landmark (CCL): 67-120 points
- Structure of Merit (SM) and/or Contributing Structure (CS): 33-66 points
- Non-Significant (NS)/Non-Contributing (NCS): 0-32

The list of historically significant resources in San Jose is called the “Historic Inventory List.”

EXISTING HISTORIC STATUS

The First Church of Christ Scientist was added to the National Register of Historic Places on September 26, 1979 as a contributing building to the St. James Historic District in San Jose, California.⁸ Since the church is listed on the NRHP it is automatically included in the CRHR. Additionally, the St. James Square Historic District is a designated San Jose Historic District. The First Church of Christ Scientist is a contributing resource to this historic district and is a designated City of San Jose Structure of Merit. Therefore, the church would be considered a historic resource for purposes of CEQA.

⁸ William N. Zavlaris and Patricia Dixon, National Register Nomination St. James Square Historic District, Preservation Consultants, (September 26, 1979).

Architectural Significance of the Basement

The building as a whole was determined to be a contributing building to the St. James Historic District. The interior of the building is primarily comprised of the large assembly space with smaller support rooms off this main area and a basement.

Spaces within a historic structure are generally identified as *very significant*, *significant*, *contributing* and *non-contributing*. A short explanation of this terminology follows.

Very Significant: The space or components are central to the building's architectural and historic character. In addition, the space or components display a very high level of craftsmanship, or are constructed of an intrinsically valuable material, or are a unique feature. These spaces or components shall not be altered or removed under any condition.

Significant: The space or components are associated with the qualities that make the building historically significant. They make a major contribution to the structure's historic character. In addition, they display a high level of craftsmanship. These spaces or features shall not be altered or removed.

Contributing: The space or components may not be extraordinarily significance as isolated elements, but contain sufficient historic character to play a role in the overall significance of the structure.

Non-contributing: The space or components fall outside of the building's period of significance, or are historic but have been substantially modified. Little or no historic character remains.

The basement spaces are original to the building and housed important functions of the structure. While the basement lacks the ornamentation and detailing found in the assembly space above, alterations to the basement rooms are minimal and much of the historic fabric remains intact. Therefore, the basement of the church would be considered *contributing* to the building as a whole.

Integrity

Evaluating the seven aspects of integrity must be done with reference as to why the church is considered historically significant. The First Church of Christ Scientist has its historic significance rooted in its architecture and its architect. The following takes into account these criteria.

Location. The church will be moved to the west of its current location and will remain on the same block. The spatial relationship between St. James Park, St. James Street and the church will remain the same. While the relocation of the building will impact the integrity of location, the building will remain on the same block and maintain its relationship with its surroundings. See Impacts and Mitigations below.

Design. The original design of the church will be altered with the removal of the basement rooms and the loss of these rooms impacts the overall function of the building. A light well on each side of the structure, as well as, several windows at the basement level will be removed. However, the portion of the church which is above ground, and which happens to be the most architecturally significant, will remain intact. See Impacts and Mitigations below.

Materials/Workmanship. The church would retain these aspects of integrity, as the revised design would not have an effect on the church's most significant materials or visible workmanship. See Impacts and Mitigations below.

Setting. Setting is the physical environment of the property and concerns the relationship between the building and its surroundings. Since the historic district is important for its buildings and the park, spatial relationships between major features, visual rhythms in a streetscape, landscape plantings, the layout of walkways and roads are all part of its setting. The proposed revised design would not materially alter the relationships between the existing contributing buildings and between the buildings and the park; however existing landscaping would be altered; and the layout of walkways would be altered from their current configuration. The building would be located between two new buildings, with the tower to the west and the townhomes to the east. The entry steps would be recreated once the building is relocated. Even with the relocation of the building, the structure's relationship with the park, St. James Street and surrounding historic buildings is maintained.

Feeling and Association. *Feeling* is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. *Association* is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. The removal of the basement and relocation of the building will not compromise the historic sense of place associated with the church and will not affect the ability of the building to convey its link to the past.

POTENTIAL IMPACTS

Significance Criteria

California Environmental Quality Act (CEQA) Section 21084.1 states that "a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." These changes include physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings.

For the purposes of CEQA Guidelines Section 15064.5, the term "historical resources" shall include the following:

- 1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in, the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4850 et.seq.).*
- 2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.*
- 3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead*

agency to be “historically significant” if the resource meets the criteria for listing in the CRHR (Public Resources Code Section 5024.1, Title 14 CCR, Section 4800.3) as follows:

- A. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- B. Is associated with the lives of persons important in our past;
- C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- D. Has yielded, or may be likely to yield, information important in prehistory or history.
(Guidelines for the California Environmental Quality Act)

A “substantial adverse change” is defined as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” Further, that the “significance of an historic resource is materially impaired when a project “demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in the California Register of Historical Resources;” or “demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources...” or demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.”

The 2020 San Jose General Plan addresses historic preservation in Chapter 3, Major Strategies and Chapter 4, Goals and Policies:

Preservation of specific structures or special areas is a part of the urban conservation strategy. The objective of preservation goes beyond saving an individual structure or even a group of structures that may have architectural or historic significance. At a strategic level, preservation activities contribute visual evidence to a sense of community that grows out of the historical roots of San José’s past. Historic and architectural structures add inestimable character and interest to the City’s image. (Chapter 3, Major Strategies. Urban Conservation/Preservation).

Preservation of historically and archaeologically significant structures, sites, districts and artifacts in order to promote a greater sense of historic awareness and community identity and to enhance the quality of urban living. (Chapter 4, Goals and Policies. Aesthetic, Cultural and Recreational Resources, Historic, Archaeological and Cultural Resources. Historic, Archaeological and Cultural Resources Goal).

Chapter 4 also contains the following policies that appear pertinent to the historic resources being evaluated:

1. Because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process.

5. New development in proximity to designated historic landmark structures and sites should be designed to be compatible with the character of the designated historic resource. In particular, development proposals located within the Areas of Historic Sensitivity designation should be reviewed for such design sensitivity.

6. The City should foster the rehabilitation of individual buildings and districts of historic significance and should utilize a variety of techniques and measures to serve as incentives toward achieving this end. Approaches which should be considered for implementation of this policy include, among others: Discretionary Alternate Use Policy Number 3, permitting flexibility as to the uses allowed in structures of historic or architectural merit; transfer of development rights from designated historic sites; tax relief for designated landmarks and/or districts; alternative building code provisions for the reuse of historic structures; and such financial incentives as grants, loans and/or loan guarantees to assist rehabilitation efforts.

The City Council Policy on Preservation of Historic Landmarks has two relevant policies:

3. Preparation of Complete information regarding Opportunities for Preservation of the Landmark Structure, and/or the Integrity of the Landmark District. The analysis of a proposed project which will alter the original character of a candidate or designated landmark structure or potentially impact the integrity of a landmark district shall include complete historic, architectural, and cultural documentation of the significance of the candidate or designated landmark structure, site, district, or compatibility of new construction within a landmark district, a comprehensive evaluation of the economic and structural feasibility of preservation and/or adaptive reuse of the structure, and an analysis of potential funding sources for preservation. This information shall be carefully reviewed and then be given strong consideration in the decision making process for a project proposing to alter a candidate or designated landmark structure or the integrity of a district. Every effort should be made to preserve and incorporate existing landmark structures into the future plans for a site and the surrounding area, and to preserve the integrity of landmark districts.

4. Findings Justifying Alteration or Demolition of a Landmark Structure, or Impact to the Integrity of a Landmark District. Final decisions to alter or demolish a candidate or designated landmark structure or to impact the integrity of a landmark district, must be accompanied by findings which either 1) document that it is not reasonably feasible for any interested party to retain the candidate or designated landmark structure or the integrity of the district, or 2) which record the overriding considerations which warrant the loss of the candidate or designated landmark structure or district integrity. The financial profile and/or preferences of a particular developer should not, by themselves, be considered a sufficient rationale for making irreversible decisions regarding the survival of the City's historic resources.

Further, the St. James Square Historic District Design Guidelines specifically set forth Rehabilitation Guidelines for Existing Structures and New Building Guidelines (St. James Rehabilitation Guidelines) and New Building Guidelines (St. James New Building Guidelines). The rehabilitation guideline "specifies design elements which should be considered in the rehabilitation or modification of existing structures or when additions are proposed." The guidelines for new buildings "provides direction and design considerations for New Buildings within the St. James Square Area of Historic Sensitivity."

Impact 1 – Removal of the Basement from the First Church of Christ Scientist

The following evaluation is based upon drawings by Barry Swenson Builder for the Site Development Permit Re-Submittal: March 18, 2015 and HPP Re-Submittal: February 23, 2015.

The site plan (A-2.0) shows the existing church moved approximately 23 feet west of its current location. A new three-story building, containing six townhouses, is located at the corner of St. James Street and Second Street, the former location of the church. A driveway on the north side of the new townhouse building accesses the townhouse parking and the underground parking garage. The site plan indicates the new building will have flex space fronting St. James Street. Each of the four townhouse units fronting the park has access to a flex space. Each townhouse also has a two car garage which faces an interior courtyard, not visible from the street. The first floor plan (HPP-2.1) of the existing building calls for stairs to the basement, light wells and associated metal railings, several windows and doors will be demolished due to the removal of the basement. These elements are again indicated for removal on the elevations (HPP-4.1-4.4). The drawings lack any information about what will happen to the mechanical system currently housed in the basement and the spaces where stairways are currently located at the ground level of the church.

The removal of the basement will have little impact on the appearance of the exterior of the building. Several windows, and two light wells, at the basement level will be lost with the removal of the basement. Additionally, a stairway which connects to the exterior will be removed. The windows and stairway are not ornamented or prominent. The loss of the windows and staircase at the basement level are minor, as these features are barely visible from the exterior as they are below grade. However, contributing interior spaces will be lost when the basement is removed. While not highly significant or ornamental, the basement spaces are an integral part of the structure. There also will be an impact on the main level of the interior of the structure especially at the stairs to the basement. Although the extent of the impact is unclear as the drawings do not address the interior of the church, the interior will require alterations that could negatively affect the historic resource. These impacts could affect the integrity of the historic building in a negative manner resulting in a significant adverse impact to the historic resource.

See Mitigation 1.

Impact 2 – Relocation of the First Church of Christ Scientist

The church will also be relocated west of its current location. The Project Description states: “The underground parking structure is now proposed to go under the church building.” The church will remain within 23 feet of its current location so the building will need to be temporarily relocated while construction of the underground garage is completed. This will require moving the building twice, first for construction of the garage, and second, to move it to its new location. At its final location the northwest corner of the church will be located outside the boundary of the historic district. However, the majority of the structure will be within the historic district. The initial boundary of the district followed the property lines of the historic buildings that fronted the park. The site plan (A-2.0) indicates the new three-story townhouse building is set away from the church’s east elevation by a little over 20 feet. Additionally, the south elevation townhouse building aligns with the front elevation of the church.

The front entry steps will be constructed to match the steps which will be demolished. The reconstructed symmetrical steps at the front of the relocated church are shown correctly on A2.0. However, the south elevation (A-4.1) and renderings (A-4.10) show the western side of the steps running into a wall which is perpendicular to the front of the church, rather than having the stairs returning to the building. Additionally, the existing pilasters are shown at the relocated position on the site plan (A-2.0) and are visible in the renderings (A-4.10). The pilasters are not shown on the south elevation (A-4.1).

The California Register of Historical Resources encourages the retention of historic resources on site. "However, it is recognized that moving an historic building, structure, or object is sometimes necessary to prevent its destruction. Therefore, a moved building, structure, or object that is otherwise eligible may be listed in the California Register if it was moved to prevent its demolition at its former location and if the new location is compatible with the original character and use of the historical resource. An historical resource should retain its historic features and compatibility in orientation, setting, and general environment." (Technical Assistance Series #6, California Office of Historic Preservation).

Relocation of the First Church of Christ Scientist could result in adverse effect to the historic resource by affecting its integrity because historic significance is embodied in its location and setting as well as in the property itself. Moving a property could destroy the relationship between the property and its surroundings and destroy associations with historic events and persons. A move may also cause the loss of historic features resulting in a significant adverse impact to the historic resource.

See Mitigation 2.

Impact 2 – New Townhouse Building

St. James Square Historic District Design Guidelines: Allowable building heights for a one lot depth (137 feet) on blocks fronting directly on St. James Park and on diagonal corners defined by St. James and First, St. James and Third, St. John and First, and St. John and Third should not deviate by more than one story from the heights of immediately adjacent historic buildings and in no case should exceed 70 feet (p.23). Where new buildings are to be constructed adjacent to historic buildings, the mass of the new buildings should be sensitive to, and harmonious with, the scale of the older buildings (p.23).

The proposed three-story townhouse building, east of the relocated existing church, has a simple cornice detail which aligns with the lower cornice on the church (A-4.1, A-4.3, A-4.8 and A-4.10). The cornice is slightly more defined on the brick portions of the building. This definition of the cornice occurs by changing the brick pattern. The overall height of the three-story structure is called out as 35'-1". Overall the height of the proposed building is sensitive to the relocated church.

No mitigation required.

St. James Square Historic District Design Guidelines: Building materials should be appropriate to the architecture and style for which they are used and compatible to those used in the historic building (p.24).

The cladding materials called out on the elevations of the townhouses are cement plaster, brick, natural stone and metal (for awnings). The cladding material noted on the elevations of the towers are natural stone, metal panels in several colors, spandrel glass in several colors, concrete

and metal awnings. While both buildings have natural stone and metal awnings, little else relates the buildings to each other. The introduction of several new materials, and lack of continuity in the materials between the towers and townhouse buildings, does not give the buildings facing St. James Street a cohesive feeling. Further the two buildings overwhelm and detract from architecture of the First Church of Christ Scientist. The style of the townhome structure greatly differs from that of the towers creating varying architectural languages and rhythms. Along with style variations, the inconsistency of cladding materials further diminishes the historic structure's prominence, rather than creating a strong unified setting where the church would be highlighted.

See Mitigation 3.

St. James Square Historic District Design Guidelines: In all locations, structures should be set back to the average of the setbacks of existing historic buildings along the street frontage not including front entry stairs which may protrude from the building (p.22). Where new construction occurs adjacent to a historic structure, the siting of the new structure should respect the view of historic buildings from a pedestrian perspective (p. 22).

The proposed townhouse structure aligns with the front of the church. The relocated church building maintains its historic setback and the proposed building matches the historic church's setback. Respecting this setback will allow the church to be more visible to the pedestrian approaching from the east. Additionally, the townhouse building is set away from the east elevation of the church by roughly 20 feet. The gate and wall, on the east side of the church, between the church and the proposed townhouse building, are set back beyond the front elevation of the church. The siting of the proposed townhouse building respects the street setback of the church and the townhouse structure is set an adequate distance away from the historic building on the east side.

No mitigation required.

St. James Square Historic District Design Guidelines: General Character: Buildings should be frontally symmetrical (p.22).

At the St. James Street elevation (south) the design for the proposed structure is symmetrical.

No mitigation required.

St. James Square Historic District Design Guidelines: There should be a greater proportion of wall than window (p.23). Individual windows should be rectangular in shape and oriented vertically and be recessed from the wall (p.23). Delineate openings with surrounds and frames (p.24). Utilize strong cornice lines (p.24).

This set of guidelines address surface treatment and fenestration. Looking at buildings in the historic district, the following design elements characterize the historic district:

1. Facade composition with a base, middle and top.
2. Strong cornice.
3. High ratio of wall surface to window openings.
4. Vertically oriented windows that are recessed from the facade.
5. Framed openings.
6. Buildings set on platforms above street grade.

The design of the townhouse building complies with some of the guidelines.

1. The proposed facade design clearly has a base. The design does not have a clearly defined middle or top.
2. The simple cornice does align with that of the historic church. The cornice is modest with the brick cladding oriented differently. However, at the plaster cladding surface the cornice is a simple band at the top of the building, material not noted.
3. The proposed design has a modest ratio of wall surface to window openings. Large storefront windows open the flex space onto the sidewalk. Additional large windows, grouped in threes, adorn the upper two floors. Smaller windows are located above the doors.
4. All windows are vertically oriented. However, it is difficult to discern from the rendering and elevations if the windows are recessed. Additionally, the metal awnings at the first floor break up the verticality of the window groupings.
5. Window details have not been fully developed and therefore will need further review during later design phases.
6. The historic buildings in the historic district are built on what is characterized as a platform. The building has a platform represented by a change in material at the base of the building.

The townhouse building is in compliance with the some of the above guidelines.

See Mitigation 3.

MITIGATIONS

The California Environmental Quality Act recognizes that compliance with the *Secretary's Standards* would not have a significant effect on the environment. "Generally, a project that follows the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* or the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* shall be considered as mitigated to a level of less than a significant impact on the historical resource." (CEQA Guidelines, Section 15064.5(b)(3)).

A project that follows the *Secretary of the Interior's Standards for the Treatment of Historic Properties* shall be considered as mitigated to a less-than-significant impact on the historic resource. In the case of Park View Towers, the *Standards for Rehabilitation* would apply, as opposed to the other three *Standards* (Preservation, Restoration, or Reconstruction), as the project sponsor intends to redevelop portions of the property for new uses, while retaining the church, a historic resource.

The intent of the *Standards for Rehabilitation* is to provide for compatible use of a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values. A core tenet of the *Standards for Rehabilitation* include using a property as it was historically or giving it a new use that avoids or requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

For example, a project that avoids substantial alterations to the identified historic resource's distinctive materials, features, or spaces would be consistent the *Standards for Rehabilitation*, and would have a less-than-significant impact under CEQA. Conversely, a project that would demolish or substantially alter the identified historic resources, or would substantially change its

character-defining features, would conflict with the *Standards*, and would be considered a significant impact under CEQA.

Mitigation 1

The previous report, *Park View Towers Historic Resource Evaluation*, completed by Carey & Co. in 2006, recommended a mitigation (Mitigation 1) for potential impacts to the church. That mitigation stated that following the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and the Rehabilitation Guidelines for Existing Structures in the St. James Square Historic District Design Guidelines, as well as preparing a Historic Structure Report would mitigate the impact of the Park View Towers Project on the environment to less than significant level. This mitigation continues to be applicable. However, with the revised scope of the project, another mitigation will need to be undertaken.

In addition, Mitigation 4 in the previous technical report addressed potential impacts during construction. This mitigation continues to be applicable, but requires augmentation. See Mitigation 2.A below.

HABS-Level I Documentation

Documentation usually consists of a written history of the property, plans and drawings of the historic resource, and photographs.⁹ Often, reference is made to the Historic American Buildings Survey (HABS) and its guidelines for preparing histories, drawings and photographs. HABS documentation is referenced because it is recognized throughout the country as the standard way of documenting historic resources. The guidelines have a tiered approach to documentation, reserving the most rigorous level to relatively more important historic resources, such as the requirement for measured drawings, while for other resources a sketch plan could suffice.

Prior to the relocation of the church and removal of the First Church of Christ Scientist basement, the property will be recorded following the Level 1 specifications set by the Historic American Buildings Survey (HABS). This documentation will include:

- Drawings: A full set of measured drawings depicting the building. Consideration may be given to using 3D laser scanning at an appropriate resolution to aid in the creation of the drawings.
- Photographs: Photographs with large-format negatives of exterior and interior views of the existing building. Photocopies with large-format negatives, or high resolution digital copies of historic photographs.
- Written data: A historical report in Outline Format.

A qualified architectural historian meeting the qualifications in the *Secretary of the Interior's Professional Qualification Standards* will oversee the preparation of the sketch plans, photographs and written data.

The documentation shall be reviewed and approved by a planner assigned historic preservation responsibilities in the Planning Division, City of San Jose.

⁹ United States National Park Service, Department of Interior, "Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines," http://www.cr.nps.gov/local-law/arch_stnds_6.htm (accessed December 10, 2013).

The documentation shall be filed with the San Jose Historical Museum, and the Northwest Information Center at Sonoma State University, the repository for the California Historical Resources Information System.

With implementation of Mitigation Measure 1, potential impacts associated with the removal of the basement would be less than significant.

Mitigation 2

A. Prepare Relocation Plans and Specifications

Prior to relocation, a historic preservation architect and a structural engineer shall undertake an existing condition study of the church. The purpose of the study shall be to establish the baseline condition of the building prior to relocation. The documentation shall take the form of written descriptions and visual illustrations, including those physical characteristics of the resource that convey its historic significance and must be protected and preserved, and recommendations for any structural reinforcement, stabilization or protection before the move. The documentation shall be reviewed and approved by the City of San Jose Planning Division.

To protect the historic resource during its relocation, the project sponsor shall engage a building mover, who has experience moving similar historic structures. A structural engineer will be engaged to determine if the structure and its features needs to be reinforced/stabilized before the move.

Once moved to its temporary location, only authorized persons shall have access to the building. Protective fencing and other methods shall be used to protect the building from further damage and deterioration. If the historic preservation architect or structural engineer observe any new damage, an assessment shall be made of the severity of such damage and repairs undertaken if necessary. If the temporary location is on the construction site of the proposed project, protective barriers shall be constructed to further protect the building from potential damage by construction activities including the operation of construction equipment. Construction materials shall be stored away from the historic building. The project sponsor shall convey the importance of protecting the historic building to all construction workers and managers.

When the structure is moved to its final location, again the historic preservation architect or structural engineer will survey the building for any new damage. An assessment shall be made of the severity of such damage and repairs shall be undertaken if necessary. If new construction is still underway on the surrounding site, protective barriers shall be constructed to further protect the building from potential damage by construction activities and equipment. Construction materials shall be stored away from the historic building and the project sponsor shall convey the importance of protecting the historic building to all construction workers and managers.

When placed on its new foundation, the same number of front steps shall be maintained and thereby the building's relationship to the ground will match that of the existing building. As a reconstruction¹⁰, the footprint of the steps should replicate the footprint of the existing steps. Additionally, the relocated pilasters in front of the steps shall be located the same distance and relationship to the steps.

¹⁰ Reconstruction is the accurate duplication of a historic feature through new construction.

B. Rehabilitate

Upon relocation the historic structure shall be repaired and rehabilitated in conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. In particular, the character-defining features shall be restored in a manner that preserves the integrity of the features. Upon completion of the rehabilitation, the Planning Division, City of San Jose, shall review and confirm that the rehabilitation of the structure was completed in conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and submit a report to the Historic Landmarks Commission, City of San Jose.

With implementation of Mitigation Measure 2, potential impacts associated with the relocation of the historic building would be less than significant.

Mitigation 3

To comply with the design guidelines the cladding materials of the townhouse structure shall be further simplified and/or made to relate materially to the tower structures. The proposed townhouse design shall be altered to have two main cladding materials at most. Variation can be achieved by using different colors of the same material, like on the towers – metal panels are used, but in two different colors. Visually linking the tower structures and the proposed townhouse building will help make the blockface look more cohesive. A cohesive look will highlight the church rather than have the historic structure be overwhelmed or dwarfed by the new architecture on the site. The design shall be altered so the façade has a clearly defined middle and top, not just a base. A stronger cornice will be added to the design to create a top to the building. Not only will the proposed design modify the cornice's height, the depth of the cornice will be more pronounced. Additionally at the recessed (plaster) portions of the building the cornice will more closely reflect the cornice on the remainder of the building. The verticality of the window groupings will be strengthened by the elimination of the metal awnings at the ground level storefront windows.

With implementation of Mitigation Measure 3, potential impacts associated with the new three-story building would be less than significant.

TOWER 1 AND TOWER 2 REVIEW

In the previous 2006 report of potential impacts of the Park View Towers project, the evaluation identified several impacts for which there were corresponding mitigation measures. Impact 2 addressed the effects associated with Towers 1 and 2 on the First Church of Christ Scientist and St. James Historic District. The renderings for the current, March 18, 2015, design (figures 13 and 14) show that the design has changed from the one (figure 11) that was previously evaluated for the DEIR and, importantly, from the Approved Project (figure 12). The following analysis is intended to point out those features in the current design that appear to lead toward less compliance with the *St. James Square Historic District Design Guidelines* and *Secretary of the Interior's Standards for the Treatment of Historic Properties*.

Project Evaluated for the DEIR

Impact 2 found that neither Tower 1, nor Tower 2, were fully compliant with the *St. James Square Historic District Guidelines* and mitigation measures were recommended to bring the design more in compliance with the design guidelines.

Six design elements that characterize the historic district were evaluated for both Tower 1 and Tower 2:

1. Facade composition with a base, middle and top.
2. Strong cornice.
3. High ratio of wall surface to window openings.
4. Vertically oriented windows that are recessed from the facade.
5. Framed openings.
6. Buildings set on platforms above street grade.



Figure 11. Rendering of the project evaluated for the DEIR.

These were each evaluated with some of the design elements in compliance and others not. Mitigation 2b presented seven guidelines that, if implemented, would reduce the impacts of the proposed project to a less than significant level.

1. There should be a greater proportion of wall than window.
2. Individual windows should be rectangular in shape and oriented vertically and be recessed from the wall.
3. Blank monolithic facades should be avoided.
4. Delineate openings with surrounds and frames.
5. Utilize strong cornice lines.
6. All roof-mounted equipment should be incorporated within penthouses, which are architecturally part of the structure.
7. Retain a distinctive base to the building.

Approved Project

In a subsequent action by the city, the project was approved with a modified design, which, in our professional opinion, is less in compliance than its predecessor. However, since the project received approval, this analysis uses this project design (Approved Project) as a starting point.



Figure 12. Rendering of the Approved Project.

Current Project (March 18, 2015)

The current design is a result of the project sponsor placing parking underground which required the removal of the First Church of Christ Scientist's basement, the relocation of the building within the site, and introduction of another new residential building at the corner of East St. James Street and North 2nd Street.

Compared to the approved project, the latest design shown in figure 11 and 12 appears to move away from compliance in some respects and closer in compliance in other ways. The following analysis uses the guidelines that were part of Mitigation 2b.



① SOUTH ELEVATION W/ TOWNHOMES AND CHURCH
ST. JAMES STREET

SCALE: 1/8" = 1'-0"

Figure 13. Rendering of current design (March 18, 2015).



① SOUTH - EAST ELEVATION
FROM THE MIDDLE OF THE PARK AT N. SECOND STREET



② NORTH - EAST ELEVATION
LOOKING AT THE CORNER OF DIVINE AND NORTH FIRST STREET



③ SOUTH - EAST ELEVATION
FROM THE MIDDLE OF THE PARK BETWEEN N. 1ST AND N. 2ND STREET



④ SOUTH - EAST ELEVATION
FROM THE CORNER OF ST. JAMES STREET AND N. SECOND STREET

Figure 14. Rendering of current design (March 18, 2015).

Tower 1

1. *There should be a greater proportion of wall than window.*

The current design greatly reduces the solid vertical elements along both sides of Tower 1's south elevation. The design also eliminates the vertical row of punched windows of the Approved Project. Tower 1's south elevation has lost the more solid appearance of the Approved Project and lessens the proportion of solid to void. The approved design of Tower 1 is closer in compliance with the guideline than the current design.

2. *Individual windows should be rectangular in shape and oriented vertically and be recessed from the wall.*

There does not appear to be substantial changes in the current design of the windows compared to the Approved Project.

3. *Blank monolithic facades should be avoided.*

The Approved Project appears to be more in compliance, again due to the incorporation of more solid features that add to the articulation of the south elevation.

4. *Delineate openings with surrounds and frames.*

There does not appear to be substantial changes in the current design of the openings compared to the Approved Project.

5. *Utilize strong cornice lines.*

The current design retains the appearance of the building having an identifiable top (as well as a base and middle).

6. *All roof-mounted equipment should be incorporated within penthouses, which are architecturally part of the structure.*

No substantial difference between the two designs.

7. *Retain a distinctive base to the building.*

Both the current design and Approved Project have an identifiable base.

Tower 2

1. *There should be a greater proportion of wall than window.*

The current design has increased the solid appearance of Tower 2's south elevation bringing it into closer compliance to the guidelines than the Approved Project. The ground floor also has increased mass, which could be further improved upon by adopting the design approach used on the ground floor at the west elevation. There the ground floor has broad vertical elements that are the same material as the podium corner and cornice elements with slender vertical elements of a different material. Applied to south elevation, the ground floor would be divided into three bays.



Figure 15. West elevation has stronger vertical elements.

At the same time, the current design moves away from compliance by eliminating the solid vertical element at the northern end of the east elevation found in the approved project. The current design also eliminates the vertical row of punched windows of the approved project. Returning to the design of this portion of the east elevation would bring the project closer in compliance with the guideline.

2. *Individual windows should be rectangular in shape and oriented vertically and be recessed from the wall.*
There does not appear to be substantial changes in the current design of the windows compared to the Approved Project.
3. *Blank monolithic facades should be avoided.*
The current design appears to be more in compliance, again due to the incorporation of more solid features that add to the articulation of the south elevation. See 1. above.
4. *Delineate openings with surrounds and frames.*
There does not appear to be substantial changes in the current design of the openings compared to the Approved Project.
5. *Utilize strong cornice lines.*
The current design improves on the Approved Project by having a more identifiable top to the building.
6. *All roof-mounted equipment should be incorporated within penthouses, which are architecturally part of the structure.*
Although there has not been a substantial change in roof top penthouse for mechanical equipment, the current design introduces a design feature that improves the integration of the penthouse by extending the trellis feature across the east face of the penthouse.
7. *Retain a distinctive base to the building.*
The current design improves the appearance of the building having a more distinct base and therefore brings it more in compliance to the guideline compared to the Approved Project.

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